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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
12 Against:

Case No. 2004-153

13 **DIANA ARLENE FERREIRA IVERSEN, a.k.a.**  
14 **DIANA A. IVERSEN, a.k.a.**  
15 **DIANA ARLENE FERREIRA**  
607 Elmira Road, #130  
Vacaville, CA 95687

**PETITION TO REVOKE  
PROBATION**

16 And

17 3336 N. Texas Street, #J-165  
18 Fairfield, CA 94533

19 Registered Nurse License No. 282552

20 Respondent.

21  
22 Complainant alleges:

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation  
25 solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing  
26 (Board), Department of Consumer Affairs.

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1           **Registered Nurse License**

2           2.     On or about August 31, 1977, the Board issued Registered Nurse License Number  
3     282552 to Diana Arlene Ferreira Iversen, also known as Diana A. Iversen and Diana Arlene  
4     Ferreira (Respondent). The Registered Nurse License was in effect at all times relevant to the  
5     charges brought herein and will expire on October 31, 2010, unless renewed.

6                           **PRIOR DISCIPLINE**

7           3.     In a disciplinary action titled *In the Matter of the Accusation Against: Diana Arlene*  
8     *Iversen, aka Diana Arlene Ferreira*, Case No. 2004-153, the Board of Registered Nursing, issued  
9     a Decision and Order adopting the Stipulated Settlement and Disciplinary Order, effective June  
10    19, 2006, in which Respondent's Registered Nurse License was revoked. However, the  
11    revocation was stayed and Respondent's license was placed on probation for a period of three (3)  
12    years with certain terms and conditions. On June 19, 2009, the Board extended Respondent's  
13    probation for one year for her failure to complete the required six month work requirement and  
14    pay cost recovery. A copy of that Decision and Order is attached hereto, marked as Exhibit A,  
15    and incorporated by reference.

16                           **STATUTORY PROVISIONS**

17           4.     Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
18    that the Board may discipline any licensee, including a licensee holding a temporary or an  
19    inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of  
20    the Nursing Practice Act.

21           5.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
22    deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
23    to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
24    (b), the Board may renew an expired license at any time within eight years after the expiration.

25                           **PETITION**

26           6.     Grounds exist for revoking the probation and re-imposing the order of revocation of  
27    Respondent's Registered Nurse License No. 282552. Condition 12, Violation of Probation, of the  
28    Decision states:

1 If Respondent violates the conditions of her probation, the Board after giving  
2 Respondent notice and an opportunity to be heard, may set aside the stay order and  
impose the stayed discipline (revocation/suspension) of the Respondent's license.

3 If during the period of probation, an accusation or petition to revoke probation  
4 has been filed against Respondent's license or the Attorney General's Office has been  
5 requested to prepare an accusation or petition to revoke probation against  
Respondent's license, the probationary period shall automatically be extended and  
shall not expire until the accusation or petition has been acted upon by the Board.

6 7. Respondent has violated the Probation Program, as more particularly set forth in the  
7 following paragraphs:

8 **FIRST CAUSE TO REVOKE PROBATION**

9 **(Failure to Practice Nursing as Required)**

10 8. At all times after the effective date of Respondent's probation, Condition 6, ,  
11 Function as a Registered Nurse, stated:

12 Respondent, during the period of probation, shall engage in the practice of  
13 registered nursing in California for a minimum of 24 hours per week for 6  
consecutive months or as determined by the Board.

14 For purposes of compliance with this section, "engage in the practice of  
15 registered nursing" may include, when approved by the Board, volunteer work as a  
16 registered nurse, or work in any non-direct patient care position that requires  
licensure as a registered nurse.

17 The Board may require that advanced practice nurses engage in advanced  
18 practice nursing for a minimum of 24 hours per week for 6 consecutive months or as  
determined by the Board.

19 If Respondent has not complied with this condition during the probationary  
20 term, and Respondent has presented sufficient documentation of her good faith efforts  
21 to comply with this condition, and if no other conditions have been violated, the  
Board, in its discretion, may grant an extension of Respondent's probation period up  
to one year without further hearing in order to comply with this condition. During the  
one year extension, all original conditions of probation shall apply.

22 9. Respondent's probation is subject to revocation because she failed to comply with  
23 Probation Condition 6, referenced above. The facts and circumstances regarding this violation  
24 are that Respondent failed to engage in the practice of registered nursing for a minimum of 24  
25 hours per week for 6 consecutive months. Respondent was employed at North Bay Medical  
26 Center beginning December 4, 2006; however, she resigned from that position on February 2,  
27 2007. Respondent was employed at Sutter Coast Hospital from August 18, 2008; however, she  
28 was terminated from that position on September 26, 2008.



1 to one year without further hearing in order to comply with this condition. During the  
2 one year extension, all original conditions of probation will apply.

3 13. Respondent's probation is subject to revocation because she failed to comply with  
4 Probation Condition 11, referenced above. The facts and circumstances regarding this violation  
5 are that Respondent failed to pay any portion of the cost recovery in the amount of \$3,000.00.

6 **FOURTH CAUSE TO REVOKE PROBATION**

7 **(Failure to Comply with the Probation Program)**

8 14. At all times after the effective date of Respondent's probation, Condition 2, Comply  
9 with the Board's Probation Program, stated, in pertinent part:

10 Respondent shall fully comply with the terms and conditions of the Probation  
11 Program established by the Board and cooperate with representatives of the Board in  
12 its monitoring and investigation of the Respondent's compliance with the Probation  
13 Program. Respondent shall inform the Board in writing within no more than 15 days  
14 of any address change and shall at all times maintain an active, current license status  
15 with the Board, including during any period of suspension.

16 15. Respondent's probation is subject to revocation because she failed to comply with  
17 Probation Condition 2, referenced above. The facts and circumstances regarding this violation  
18 are that Respondent failed to comply with the Board's Probation Program, as more particularly  
19 set forth in paragraphs 9, 11, and 13, above.

20 **PRAYER**

21 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking the probation that was granted by the Board of Registered Nursing in Case  
24 No. 2004-153 and imposing the disciplinary order that was stayed thereby revoking Registered  
25 Nurse License No. 282552 issued to Diana Arlene Ferreira Iversen, aka Diana A. Iversen and  
26 Diana Arlene Ferreira;

27 2. Revoking or suspending Registered Nurse License No. 282552, issued to Diana  
28 Arlene Ferreira Iversen, a.k.a. Diana A. Iversen and Diana Arlene Ferreira; and,

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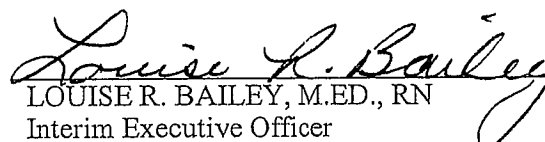
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3. Taking such other and further action as deemed necessary and proper.

DATED: 4-30-10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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## **Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2004-153**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DIANA ARLENE IVERSEN  
aka DIANA ARLENE FERREIRA

Respondent.

Case No. 2004-153

OAH No. L-2004110086

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by  
the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 19, 2006.

It is so ORDERED MAY 17, 2006.

*LaFrancine W. Tate*

FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS



BILL LOCKYER, Attorney General  
of the State of California  
GLORIA A BARRIOS, State Bar No. 94811  
Deputy Attorney General  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-2540  
Facsimile: (213) 897-2804

Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DIANA ARLENE IVERSEN  
aka DIANA ARLENE FERREIRA

Respondent.

Case No. 2004-153

OAH No. L-2004110086

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
the Board of Registered Nursing. She brought this action solely in her official capacity and is  
represented in this matter by Bill Lockyer, Attorney General of the State of California, by Gloria  
A. Barrios, Deputy Attorney General.

2. Respondent Diana Arlene Iversen, aka Diana Arlene Ferreira (Respondent)  
is represented by Robert Ramsey, Jr., Esq., of Ramse & Price, located at 445 South Figueroa Ste.  
2640, Los Angeles, CA 90071.

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3. On or about August 31, 1977, the Board of Registered Nursing issued Registered Nurse License No. 282552 to Respondent. The License will expire on October 31, 2006, unless renewed.

#### JURISDICTION

4. Accusation No. 2004-153 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 6, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2004-153 is attached as Exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2004-153. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2004-153.

9. Respondent agrees that her Registered Nurse license is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

**CONTINGENCY**

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 282552 issued to Respondent Diana Arlene Iversen, aka Diana Arlene Ferreira (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

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1                   1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
2 A full and detailed account of any and all violations of law shall be reported by Respondent to  
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
4 compliance with this condition, Respondent shall submit completed fingerprint forms and  
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
6 as part of the licensure application process.

7                   **Criminal Court Orders:** If Respondent is under criminal court orders, including  
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10                  2.       **Comply with the Board's Probation Program.** Respondent shall fully  
11 comply with the conditions of the Probation Program established by the Board and cooperate  
12 with representatives of the Board in its monitoring and investigation of the Respondent's  
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
14 within no more than 15 days of any address change and shall at all times maintain an active,  
15 current license status with the Board, including during any period of suspension.

16                       Upon successful completion of probation, Respondent's license shall be fully  
17 restored.

18                  3.       **Report in Person.** Respondent, during the period of probation, shall  
19 appear in person at interviews/meetings as directed by the Board or its designated  
20 representatives.

21                  4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
24 of California. Respondent must provide written notice to the Board within 15 days of any change  
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
26 returning to practice in this state.

27                       Respondent shall provide a list of all states and territories where she has ever been  
28 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status  
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
3 new nursing license during the term of probation.

4           **5. Submit Written Reports.** Respondent, during the period of probation,  
5 shall submit or cause to be submitted such written reports/declarations and verification of actions  
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
8 Program. Respondent shall immediately execute all release of information forms as may be  
9 required by the Board or its representatives.

10           Respondent shall provide a copy of this Decision to the nursing regulatory agency  
11 in every state and territory in which she has a registered nurse license.

12           **6. Function as a Registered Nurse.** Respondent, during the period of  
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
14 hours per week for 6 consecutive months or as determined by the Board.

15           For purposes of compliance with the section, "engage in the practice of registered  
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18           The Board may require that advanced practice nurses engage in advanced practice  
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
20 Board.

21           If Respondent has not complied with this condition during the probationary term,  
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
24 grant an extension of Respondent's probation period up to one year without further hearing in  
25 order to comply with this condition. During the one year extension, all original conditions of  
26 probation shall apply.

27           **7. Employment Approval and Reporting Requirements.** Respondent  
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
2 performance evaluations and other employment related reports as a registered nurse upon request  
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate  
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within  
7 seventy-two (72) hours after she obtains any nursing or other health care related employment.

8 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
9 terminated or separated, regardless of cause, from any nursing, or other health care related  
10 employment with a full explanation of the circumstances surrounding the termination or  
11 separation.

12 8. **Supervision.** Respondent shall obtain prior approval from the Board  
13 regarding Respondent's level of supervision and/or collaboration before commencing or  
14 continuing any employment as a registered nurse, or education and training that includes patient  
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse  
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not  
21 limited to the following:

22 (a) Maximum - The individual providing supervision and/or collaboration is  
23 present in the patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in  
25 the patient care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has  
27 person-to-person communication with Respondent at least twice during each shift worked.

28 ///

1 (d) Home Health Care - If Respondent is approved to work in the home health  
2 care setting, the individual providing supervision and/or collaboration shall have person-to-  
3 person communication with Respondent as required by the Board each work day. Respondent  
4 shall maintain telephone or other telecommunication contact with the individual providing  
5 supervision and/or collaboration as required by the Board during each work day. The individual  
6 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
7 site visits to patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall not work for a nurse's  
9 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
10 traveling nurse, or for an in-house nursing pool.

11 Respondent shall not work for a licensed home health agency as a visiting nurse  
12 unless the registered nursing supervision and other protections for home visits have been  
13 approved by the Board. Respondent shall not work in any other registered nursing occupation  
14 where home visits are required.

15 Respondent shall not work in any health care setting as a supervisor of registered  
16 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
17 nurses and/or unlicensed assistive personnel on a case-by-case basis.

18 Respondent shall not work as a faculty member in an approved school of nursing  
19 or as an instructor in a Board approved continuing education program.

20 Respondent shall work only on a regularly assigned, identified and predetermined  
21 worksite(s) and shall not work in a float capacity.

22 If Respondent is working or intends to work in excess of 40 hours per week, the  
23 Board may request documentation to determine whether there should be restrictions on the hours  
24 of work.

25 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
26 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
27 than six months prior to the end of her probationary term.

28 Respondent shall obtain prior approval from the Board before enrolling in the

1 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
2 completion for the above required course(s). The Board shall return the original documents to  
3 Respondent after photocopying them for its records.

4           11.     **Cost Recovery.** Respondent shall pay to the Board costs associated with  
5 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
6 amount of \$3,000.00. Respondent shall be permitted to pay these costs in a payment plan  
7 approved by the Board, with payments to be completed no later than three months prior to the  
8 end of the probation term and Respondent's first payment will be due 180 days from the effective  
9 date of the decision.

10           If Respondent has not complied with this condition during the probationary term,  
11 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
12 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
13 grant an extension of Respondent's probation period up to one year without further hearing in  
14 order to comply with this condition. During the one year extension, all original conditions of  
15 probation will apply.

16           12.     **Violation of Probation.** If Respondent violates the conditions of her  
17 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
18 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
19 license.

20           If during the period of probation, an accusation or petition to revoke probation has  
21 been filed against Respondent's license or the Attorney General's Office has been requested to  
22 prepare an accusation or petition to revoke probation against Respondent's license, the  
23 probationary period shall automatically be extended and shall not expire until the accusation or  
24 petition has been acted upon by the Board.

25           13.     **License Surrender.** During Respondent's term of probation, if she ceases  
26 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
27 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
28 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to



1 take any other action deemed appropriate and reasonable under the circumstances, without  
2 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
3 will no longer be subject to the conditions of probation.

4 Surrender of Respondent's license shall be considered a disciplinary action and  
5 shall become a part of Respondent's license history with the Board. A registered nurse whose  
6 license has been surrendered may petition the Board for reinstatement no sooner than the  
7 following minimum periods from the effective date of the disciplinary decision:

8 (1) Two years for reinstatement of a license that was surrendered for any  
9 reason other than a mental or physical illness; or

10 (2) One year for a license surrendered for a mental or physical illness.

11

12 **ACCEPTANCE**

13 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
14 understand the stipulation and the effect it will have on my Registered Nurse license. I enter into  
15 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
16 agree to be bound by the Decision and Order of the Board of Registered Nursing.

17 DATED: 2/10/06

18

19

20 DIANA ARLENE IVERSEN,  
aka DIANA ARLENE FERREIRA

21

Respondent

22

23 I have read and fully discussed with Respondent Diana Arlene Iversen aka Diana  
24 Arlene Ferreira the terms and conditions and other matters contained in the above Stipulated  
25 Settlement and Disciplinary Order. I approve its form and content.

26

27 DATED: 3/8/06

28


Robert Ramsey, Jr., Esq.  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 2/10/08

BILL LOCKYER, Attorney General  
of the State of California

  
GLORIA A. BARRIOS  
Deputy Attorney General

Attorneys for Complainant

LA2003600885

(07/19/05)

IVER.STIP.WPD

**Exhibit A**

**Accusation No. 2004-153**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ERLINDA G. SHRENGER, State Bar No. 155904  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
5 Facsimile: (213) 897-2804  
6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2004-153

12 DIANA ARLENE IVERSEN,  
aka DIANA ARLENE FERREIRA  
13 P.O. Box 854  
Alta Loma, CA 91701

**A C C U S A T I O N**

14 Registered Nurse License No. 282552  
15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about August 31, 1977, the Board of Registered Nursing issued  
23 Registered Nurse License No. 282552 to Diana Arlene Iversen, also known as Diana Arlene  
24 Ferreira (Respondent). The License will expire on October 31, 2004, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing  
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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PATIENT F.F.

9. On or about February 16, 2000, at approximately 1602 hours, Patient F.F., a 39 year old male, was admitted to the Emergency Department of Pomona Valley Medical Center, after being transferred from Palomares Extended Care Facility. Patient F.F. was admitted to Pomona Valley Medical Center for difficulty breathing and hypotension. He was not responsive to verbal stimuli, and his breathing was assisted by a ventilator. Upon admission, Patient F.F. was diagnosed with septic shock, pneumonia, urinary tract infection, and chronic vegetative state secondary to subdural hematoma. Patient F.F. was admitted in extremely critical condition.

10. Later on February 16th, at approximately 2155 hours, Patient F.F. was transferred to Kaiser Foundation Hospital in Fontana, California. Patient F.F. died on February 18, 2000 at Kaiser Hospital from the problems that originally brought him to Pomona Valley Medical Center.

MEDICATIONS

11. HESPAN is used as a plasma extender indicated for a patient who is bleeding or at risk of bleeding.

12. HEPARIN is used as an anticoagulant which could cause bleeding.

13. The administration of HEPARIN to a patient who is bleeding can cause or contribute to the patient's death.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

14. Respondent is subject to discipline under Section 2761(a)(1) of the Code, in conjunction with California Code of Regulations, title 16, section 1442, for gross negligence, in that on or about February 16, 2000, while working as a traveling nurse in the Emergency Department of Pomona Valley Medical Center, Respondent failed to exercise the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. The circumstances are as follows:

A. On February 16, 2000, Respondent was the nurse caring for Patient F.F. in

1 the Emergency Department of Pomona Valley Medical Center. The attending physician ordered  
2 the administration by intravenous (IV) of HESPAN, 500cc, W/O [wide open], to Patient F.F.

3 B. Respondent was grossly negligent in that she administered HEPARIN  
4 instead of HESPAN to Patient F.F. as ordered by the physician. Respondent administered a bag  
5 of HEPARIN 25,000u/250cc, which was infused. Respondent then administered another bag of  
6 HEPARIN 25,000u/250cc before she discovered the error. For the second bag of HEPARIN,  
7 only 50cc was infused. Thus, Respondent administered 300cc of the wrong medication  
8 (HEPARIN) to Patient F.F.

9 C. Respondent was grossly negligent in that she twice administered the  
10 wrong medication (HEPARIN) to Patient F.F. Respondent administered two bags of HEPARIN  
11 IV to Patient F.F. (a total of 300cc) prior to the discovery of the error.

12 PRAYER


13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License No: 282552, issued to  
16 Diana Arlene Iversen, also known as Diana Arlene Ferreira;

17 2. Ordering Diana Arlene Iversen, also known as Diana Arlene Ferreira, to  
18 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of  
19 this case; pursuant to Business and Professions Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 12/22/03

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23   
24 RUTH ANN TERRY, M.P.H., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant